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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION ONE

THE PEOPLE,

Plaintiff and Respondent,

v.

ENRIQUE SANCHEZ, JR.,

Defendant and Appellant.

B230559

(Los Angeles County
Super. Ct. No. NA082879)

APPEAL from a judgment of the Superior Court of Los Angeles County,
Charles G. Sheldon, Judge. Affirmed.

Matthew O. Alger, under appointment by the Court of Appeal, for Defendant and Appellant.

Kamala D. Harris, Attorney General, Dane R. Gillette, Chief Assistant Attorney General, Lance E. Winters, Senior Assistant Attorney General, Linda C. Johnson, Supervising Deputy Attorney General, and Theresa A. Patterson, Deputy Attorney General, for Plaintiff and Respondent.

A jury found Enrique Sanchez, Jr. guilty of first degree murder and attempted murder, and found true related firearm and gang allegations. Sanchez appeals, arguing that the admission of evidence of an uncharged crime was prejudicial error. We affirm.

BACKGROUND

An information filed March 26, 2010 charged Sanchez with the murder of Okpara Wright, in violation of Penal Code¹ section 187, subdivision (a), and with the attempted willful, deliberate, and premeditated murder of Herbert Jordan, in violation of sections 187, subdivision (a), and 664, subdivision (a). The information also charged as to each offense that Sanchez and a principal used a firearm, causing great bodily injury and death, in violation of sections 12022.5, subdivision (a) and 12022.53, subdivisions (b), (c), (d), (e); and that the offenses were gang related, pursuant to section 186.22, subdivision (b)(1)(C). Sanchez pleaded not guilty, and denied all allegations. A jury found him guilty, and Sanchez was sentenced to 90 years to life in state prison. The sentences on the firearm allegations were stayed under section 654, and no additional time was imposed with respect to the gang allegation. Sanchez filed a timely notice of appeal.

The April 2, 2009 shooting

At trial, Herbert Jordan testified that shortly after 12:00 a.m. on April 2, 2009, he was sitting with his friend Okpara Wright at a bus stop near the intersection of Atlantic and Market, in Long Beach. Jordan had been affiliated with the East Coast Crips, and left the gang after he was shot in 1996. Wright was an East Coast Crips. Jordan knew he and Wright were in North Side Longo (and East Side Longo) territory. A blue truck heading south on Atlantic pulled up next to Jordan and Wright, and a person in the rear passenger seat yelled out, “What that Longo Gang like?” or “Where are you from, fools?,” both of which Jordan understood as representing where the people in the truck were from and what gang they belonged to. Jordan and Wright replied that they weren’t

¹ All subsequent statutory references are to the Penal Code unless otherwise indicated.

from the Rolling 20's gang or Bugs (also known as Insane), a Crips gang in Long Beach, both of which were rival gangs to the Longo gangs. The truck turned left and headed east on Market.

Jordan and Wright crossed the street "in case they come back tripping," and Jordan went to the window of a gas station to buy a lighter while Wright stood where the gas pumps were. The truck pulled into the station at an angle toward the pumps. Jordan saw two men with shirts around their hands get out of the front passenger seat and the back passenger seat on the driver's side. The men walked toward Jordan and Wright and started shooting from about 20 feet away. Jordan ran for cover behind the gas pumps. He did not see the shooters' faces. Jordan believed Wright was hit by both shooters. The vehicle left the gas station and drove away on Market, turning right on Long Beach Boulevard. Jordan called 911, but by the time the police arrived Wright was dead. A videotape of the shooting from the gas station's surveillance camera was played for the jury.

Erica Teater testified that at around 12:13 a.m. on April 2, 2009, she was sitting near Linden and Market tucked into the brush by her boyfriend's apartment, waiting for him to come home. She heard eight gunshots in two groups, one of five and one of three, coming from the gas station. No more than 10 seconds later, she noticed a blue Chevy Blazer driving past her away from the gas station on Market; she knew it was a Blazer because she had always wanted one. A few minutes later, the same car drove back in the opposite direction.

On April 1, 2009, just before midnight, Long Beach Police Officer Toby Benskin received a call about graffiti. He responded first to a later call about the fatal shooting at the gas station. At about 12:40 a.m. on April 2, 2009, after 25 minutes at the shooting scene, he headed to the graffiti call, about .7 miles away from the gas station. There was graffiti on the walls that was still moist and left paint on Officer Benskin's fingers. The owner of a liquor store at the location testified that he did not see the graffiti when he left work on April 1, 2009 at 10:00 p.m., and noticed it when he came in when he arrived at the store on April 2, 2009.

Long Beach Police Detective Daniel Mendoza testified that he was one of the investigating officers on the shooting, and he arrived at the gas station in the morning of April 2, 2009 about an hour after he was called to the scene. Officer Mendoza interviewed Jordan at about 5:30 a.m. Jordan told him that the vehicle was a blue Jeep Cherokee with four doors and “dirty” (not chrome) rims, with a “donut” spare tire on one of the wheels and no spare on the back of the vehicle. Jordan described the vehicle driving past him as he sat on the bus bench and the question, ““Where are you from?”” by a front passenger. The vehicle then drove into the gas station and two shooters got out of the vehicle, one from the front passenger door and another from the rear passenger door; both shot at Jordan and at Wright. Both shooters wore striped shirts. The person in the front passenger seat was a 19 to 24 year old male Hispanic with a shaved head growing out a little, between five foot seven and five foot nine and 170-180 pounds.

On June 16, 2009, Detective Mendoza showed Jordan a photograph of a Chevy Blazer, license plate 6DDE716, that Sanchez had purchased in November 2008. Jordan said it looked like the vehicle involved in the shooting. The vehicle was impounded, and Detective Mendoza found inside an auto repair work order with Sanchez’s name and address on it, dated April 9, 2009, and a document signed by Sanchez stating, ““I, Enrique Sanchez, Junior, sold a ’91 Chevy Blazer on May 1, 2009, for the sum of 200.”” Detective Mendoza also showed a photograph of the vehicle to Erica Teater, who immediately started to cry and stated that she recognized the vehicle as the car that she saw leaving the scene.

On July 22, 2009, Detective Mendoza showed Jordan two six-pack arrays of photographs. On the first array, without hesitation, Jordan identified Sanchez’s photo as the passenger out of the front seat and one of the shooters. In the second array, again without hesitation, Jordan identified a photograph of Alberto Maya, aka “Spooky,” writing ““he had on a striped shirt,”” as Jordan had described both men when he was interviewed by Detective Mendoza on the morning of the shooting.

The medical examiner testified that Wright died from four bullet wounds, all of which had a trajectory from left to right, front to back, and slightly upward. The parties

stipulated that Wright had a blood alcohol level of 0.16 at the time of death, as well as THC and tetrahydrocannabinol. Phencyclidine (PCP) was present in Wright's urine, although it could not be determined when it was ingested.

At the gas station, police responding to the scene found five .45-caliber shell casings, all of which were fired by the same gun. Two .45-caliber expended bullets and three bullet fragments, two of which were .45 caliber, also were found, and there was a bullet hole in the gas pump. Across the street, police found two additional bullet fragments embedded in a building; they were .38 or .357 caliber. A police department criminalist testified that the recovered bullets and bullet fragments were most likely fired by at least two different firearms, one of which was a .45-caliber semiautomatic and another a .38-caliber revolver. A box cutter in a closed position was also found at the scene, about a foot away from Wright's body.

A custodian of records for Sprint Nextel reviewed Sanchez's cellular phone records, and testified that multiple calls were made between 11:06 p.m. and 11:24 p.m. from Sanchez's phone on April 1, 2009, using the cell towers in the areas of the gas station where the shooting occurred and the area where the graffiti was found.

Gang evidence

Long Beach Police Officer George Ayala contacted Sanchez in Long Beach on May 15, 2009; Sanchez was with Maya. Both men said they were from the North Side Longo gang, and Sanchez said he was from the Machos clique. Sanchez said his moniker was "Tricky."

Officer Jason Garcia testified that he contacted Sanchez on May 29, 2009, who told him he was a North Side Longo and a Machos clique member called "Tricky." In other contacts, Sanchez told Officer Garcia his moniker was "Junior." On June 3, 2009, Officer Garcia contacted Sanchez, who was at Maya's house with Maya; another male Hispanic fled, and was later identified as Daniel Martinez, "Soldier Boy" from North Side Longo. Officer Garcia contacted Sanchez again on June 17, 2009, when Sanchez again said he was from the Machos clique of North Side Longo, and had been active for three or four years. Sanchez told Officer Garcia he knew Maya, who was also from

North Side Longo, and someone named Ledezma, who went by “Danger.” Officer Garcia had contacted Joseph Ledezma, or “Danger,” who told him that he was from North Side Longo. Sanchez, Maya, and Ledezma all had North Side Longo tattoos. Sanchez told Officer Garcia that he was walking with Maya to Ledezma’s house with a “Derringer two-shot” concealed on his person; he admitted this because someone else had been arrested for possessing that gun.

Long Beach Police Officer Chris Zamora testified as a gang expert familiar with North Side Longo. The crime scene was at the center of North Side Longo territory and near a housing project with a lot of narcotic sales, and the gangs were engaged in a rivalry over the drug trade. The graffiti at the liquor store location included references to the North Side Longo gang (“CK” or “Crip Killer,” “JR,” “Soldier Boy,” and “Machos.”) “CK” meant “Crip Killer,” “JR” was Sanchez’s gang moniker in the North Side Longo, “Soldier Boy” was another North Side Longo gang moniker, and “Machos” was the clique within North Side Longo to which Sanchez belonged. At least one of the people putting up the “Machos” graffiti would likely be from the clique. The graffiti was big: “For this size, it’s a declaration of war. It is letting the rival gang members know that we’re out to get you. The war is on.” Respect was very important to gang culture; gangs used fear and intimidation through violent acts to hold and maintain their territory.

The victims in this case were East Coast Crip members. A snitch who reported a crime between rival gangs would face retaliation and often violence, and so gang members often did not cooperate or tell the police everything on their first contact.²

Officer Zamora knew from Sanchez’s own admission that he was a North Side Longo gang member. Photographs taken the day of Zamora’s testimony showed that Sanchez had several North Side Longo tattoos. ““What that Longo gang like”” and ““Where you from,”” the statements that Jordan testified were made from the SUV on the night of the shooting, were aggressive statements usually followed by a violent act. In

² Jordan testified that he knew that snitching was “a bad thing” in gang culture that could get a person hurt or killed, and he did not want to testify in court. He was in custody for failure to appear, as he had been when he testified at the preliminary hearing.

Officer Zamora's opinion, a hypothetical crime with facts similar to those in the instant offense would be done in association with gang members against a rival gang to benefit the North Side Longos.

The prosecution introduced certified minute orders for a conviction dated March 9, 2009 for drug trafficking occurring January 27, 2009, and for a conviction dated February 9, 2009, for unlawful firearm activity occurring September 17, 2008; both crimes were committed by North Longo members.

The June 6, 2009 Jackson Park incident

Alberto L. testified that he was a sixteen-year North Side Longo member and knew Sanchez as a North Side Longo nicknamed "Junior."³ He also knew "Spooky" (Maya) and had seen Sanchez and Maya together two or three times. Both were members of the Machos clique. On June 6, 2009 (about nine weeks after the shooting at the gas station), Alberto L. was at Jackson Park. He saw Sanchez and Maya there; Sanchez had a revolver, and Maya had a semiautomatic handgun. The prosecutor stated, "And at some point—well, no further questions." On cross-examination, Alberto L. stated that each of the two or three times he had seen Sanchez and Maya together, the two men were armed.

Jaylon Chatman testified that she was at Jackson Park in the early evening of June 6, 2009, with her sister, a neighbor, and 10 or 11 children. The children got into a confrontation with a group of Hispanic children, and the parents, or older Hispanic men, with the children came over to talk to them. The court interposed, "Okay. Without saying what happens, that's the answer for now. New question." The prosecutor then asked "And at some point, did you see at that vicinity any Hispanic people—listen very carefully to my question—with any weapons?," Chatman answered yes, and the weapons were guns. Police officers had later showed Chatman separate photographic arrays, in which she identified Sanchez and Maya as people armed with guns at the park.

³ Alberto L. was also afraid to testify, and had failed to appear after he was subpoenaed; he was arrested and put into protective custody, which was not a good thing for a gang member because "you [could] get hurt." A North Side Longo member had made a comment to him about having been in protective custody, which frightened him.

On cross-examination by defense counsel about her statement to the officer that day “that it was a chubby guy and two skinnier guys,” Chatman stated that her identification was not ironclad because “as soon as the confrontation started, that’s when the firearms were pulled. And because I had a numerous amount of kids, we began to run.” The prosecutor did not conduct redirect examination.

Defense evidence

Long Beach Police Officer Alex Lawrence testified that he arrived at the shooting scene and talked to Jordan a few minutes later. Jordan was frantically moving around and crying, saying that Wright was his friend and “homeboy,” an East Coast Crips member known as “Iceman.” Jordan told Officer Lawrence that the shooters were in a 1980’s or 1990’s Jeep Cherokee with an undersized spare tire on the right front passenger side, and that the right rear passenger had asked him and Wright (when they were seated on a bus bench), “Where are you all from?” Jordan described going across the street to the gas station and the vehicle entering the parking lot of the station. Two male Hispanics got out of the Jeep bouncing on their feet as if they wanted to fight. As Wright walked toward them the Hispanic men began to fire. Jordan told Officer Lawrence that one had a crew cut and a red, white, and blue shirt; the other also had a crew cut and was wearing a white shirt. Jordan said he thought the men were either North Side Longos or Tiny Gangsters. Officer Lawrence explained that witnesses to violent gang-related crimes often were purposefully evasive to maintain a code of silence, sometimes revealing only the basics of the incident. He did not think Jordan was being dishonest.

Esther Roldan testified that she was in an intimate relationship with Sanchez in April 2009. Sanchez came to her home in work clothing about 7:00 p.m. on April 1, 2009, stayed the night, and got up the next morning at 4:30 a.m. to go to work. She remembered because at her request, Sanchez had brought over some money for her to borrow so that she could pay her rent, which was due on that day. He was driving a small four-door car; Roldan had never seen him drive a Chevy Blazer. She could not be sure that he did not leave between 11:00 p.m. and midnight.

The payroll clerk for the electronics company where Sanchez worked testified that her records showed that he worked eight hours on April 1, 2009 and eight hours on April 2, 2009. She did not know when he reported for work on April 1, 2009; the usual start time was 7:00 a.m.

Sanchez's coworker testified that on April 1 and 2, 2009, he worked with Sanchez. The workday started at 7:00 a.m., with Sanchez typically arriving around 6:30 a.m. On April 2, 2009, he did not notice anything unusual about Sanchez, who arrived in a small economy car. He had also seen Sanchez drive a Chevy Blazer.

DISCUSSION

Sanchez argues that the trial court committed reversible error when it admitted evidence regarding the June 6, 2009 incident at Jackson Park. We disagree.

The trial court limited the evidence to be admitted.

In opposition to a defense motion to exclude evidence of the Jackson Park incident, the prosecution gave a description of the incident in which a male Hispanic approached Chatman and said, ““Fuck Niggers! You need to get out of our block!”” The man began to walk eastbound with two other male Hispanics, and then they turned around, each holding a black semi-automatic handgun, and began to shoot at the group, yelling, ““Bitches and niggers, you know how we do it!”” Chatman identified Sanchez and Maya as two of the shooters. Alberto Alberto L. had been present and had seen Sanchez and Maya shooting at some African Americans at the park on the same date. The prosecution stated that the evidence was critical to corroborate Jordan's six-pack identification of Sanchez, because the evidence connected Sanchez to Maya. The evidence was also critical to the gang allegation, to show gang motivation; the gang expert would testify that the incident was gang related. However, the evidence could also be sanitized to show only that Sanchez and Maya were seen together holding firearms, in an area where the murder and attempted murder took place just two months earlier.

Before trial began, the prosecutor represented that in opening statements he would refer only to witnesses' statements that they had seen Sanchez and Maya together and armed, rather than shooting. Defense counsel objected that there was plenty of gang

evidence, and that introducing evidence that Sanchez and Maya had been seen together armed could only be introduced for “identity, common scheme or plan or intent.” The prosecutor responded that the evidence also went to the gang allegation, and that the Jackson Street incident occurred in North Street Longo territory. It corroborated the testimony that Sanchez and Maya belonged to a clique, and corroborated the witness’s (Jordan’s) identification of the two men in photographic six-packs. “It’s not identity in the classic sense that counsel is talking about under *Ewoldt* [*People v. Ewoldt* (1994) 7 Cal.4th 380, superseded on other grounds as stated in *People v. Britt* (2002) 104 Cal.App.4th 500, 505-506]. It’s simply identification. And it’s circumstantial evidence that these are people who travel together.” Defense counsel continued to assert that there was plenty of evidence that showed that Sanchez and Maya “have hung around together.” The court stated that it was admitting the evidence tentatively, but would instruct the jury at the outset that its purpose was limited, with perhaps further instruction at the close of evidence. The prosecutor asked the court to include an instruction that the evidence was relevant to motive and credibility of witnesses, and the court agreed: “I’m just giving [the jury] a little tip about not to consider gang evidence to the extent that you’re going to convict the person because they’re a gang member or some evidence along that line.”

Before opening statements, the trial court instructed the jury: “‘this is a case where there is a gang allegation. I’m going to tell you a little bit about that. It may be that some evidence comes in for the purpose of showing criminal street gang activity, criminal acts by a gang member, other than the crime we’re talking about here; the murder and attempted murder that is charged. [¶] This evidence should be considered by you not if you accept it that the defendant is of bad character or that kind of thing or disposition to commit crimes, but it can be considered by you wherever you see it that it is relevant on some of the things that are allowed to be proved in this case. [¶] It maybe has to do with gang evidence. May have to do with motive. Maybe have to do with credibility of witnesses.’”

In opening statement, the prosecutor stated that a witness (Chatman) would testify that she had seen Maya and Sanchez together, armed. Before Alberto L. testified about

the Jackson Park incident and outside the presence of the jury, the prosecutor again stated, “all he is going to do is say he saw these people together at that location,” and the court stated it would allow that. Without objection by the defense, Alberto L. testified that he had seen Sanchez and Maya in Jackson Park on June 6, 2009, Maya with a semiautomatic handgun and Sanchez with a revolver.

Before Chatman testified about the Jackson Park incident, the defense renewed its objection to the evidence. Chatman testified, as described above, that Sanchez and Maya were the Hispanic men she saw armed “at some point . . . at that vicinity.” Only on cross examination, in a response to a question by the defense attorney, did Chatman state that the firearms were pulled during the confrontation and she and the children began to run. The defense did not object to this additional testimony, and the prosecution did not refer to it at any time.

In closing argument, the prosecutor stated that Sanchez and Maya were “often seen together armed,” by civilians as well as police officers. The prosecutor also stated: “You have this lady, Jaylon Chatman, she saw both the defendant and Alberto Maya together armed on June 6th of 2009,” and Alberto L. had seen them together armed at the same place and same time. In its closing argument, the defense mentioned that Alberto L. had stated that every time he saw Sanchez, he was armed, contrasting that to field identification cards from interviews with Sanchez, none of which stated that Sanchez was armed. Defense counsel also stated that Chatman “saw a person she believed to be . . . Sanchez, there at the park, and he was armed,” questioning the accuracy of Chatman’s identification. In rebuttal, the prosecutor stated that Chatman had clarified her identification at trial, and pointed out that she picked out the same people that Alberto L., “who saw the same incident,” had identified as present and armed. “Ms. Chatman saw the two of them together armed. You’ve got Alberto [L.] having seen them together armed.”

The trial court instructed the jury with CALJIC 2.50, adding the language italicized below: “Evidence has been introduced for the purpose of showing that the defendant committed crimes other than that for which he is on trial; and in addition

evidence has been introduced for the purpose of showing criminal street gang activities, and of criminal acts by gang members, other than the crimes for which defendant[] is on trial. [¶] This evidence, if believed, may not be considered by you to prove that defendant is a person of bad character or that he has a disposition to commit crimes. It may be considered by you only for the limited purpose of determining if it tends to show: [¶] A characteristic method, plan or scheme in the commission of criminal acts similar to the method, plan or scheme used in the commission of the offense in this case which would further tend to show the existence of the intent which is a necessary element of the crime charged, or the identity of the person who committed the crime, if any, of which the defendant is accused; [¶] The existence of the intent which is a necessary element of the crime charged; [¶] *The ability of a witness to identify the person who committed the crime, if any, of which the defendant is accused*; [¶] A motive for the commission of the crime charged; [¶] The defendant had knowledge or possessed the means that might have been useful or necessary for the commission of the crime charged; [¶] The crime charged is part of a larger continuing plan, scheme or conspiracy; [¶] That the crime or crimes charged were committed for the benefit of, at the direction of, or in association with a criminal street gang, with the specific intent to promote, further, or assist in any criminal conduct by gang members. [¶] For the limited purpose for which you may consider such evidence, you must weigh it in the same manner as you do all other evidence in the case. [¶] You are not permitted to consider such evidence for any other purpose.” The defense did not object to this instruction, and does not challenge it on appeal. The court also gave CALJIC 2.09, which again instructed the jury that the evidence was to be considered for the limited purpose for which it was admitted.

The admission of the evidence was not an abuse of discretion and did not prejudice Sanchez.

We first consider whether it was error to admit the evidence as limited by the court and as presented and argued by the prosecution: Alberto L.’s and Chatman’s statements that they saw Sanchez and Maya armed together at Jackson Park on June 6, 2009.

“Admission of Evidence Code section 1101, subdivision (b) evidence is addressed to the sound discretion of the trial court.” (*People v. Linkenauger* (1995) 32 Cal.App.4th 1603, 1609.) To be admissible, “such evidence ‘must not contravene other policies limiting admission, such as those contained in Evidence Code section 352. [Citations.]’ [Citation.] We thus [must] examine whether the probative value of the evidence of defendant’s uncharged offenses is ‘substantially outweighed by the probability that its admission [would] . . . create substantial danger of undue prejudice, of confusing the issues, or of misleading the jury.’ (Evid. Code, § 352.)” (*People v. Ewoldt, supra*, 7 Cal.4th at 404; *People v. Balcom* (1994) 7 Cal.4th 414, 426–427.) We will reverse based on an evidentiary ruling only if “‘the trial court exercised its discretion in an arbitrary, capricious, or patently absurd manner that resulted in a manifest miscarriage of justice.’ [Citation.]” (*People v. Hovarter* (2008) 44 Cal.4th 983, 1004.)

Evidence Code section 1101, subdivision (a) provides that evidence of a person’s character is inadmissible to prove conduct on a specified occasion, but subdivision (b) allows “the admission of evidence that a person committed a crime . . . when relevant to prove some fact (such as motive, opportunity, intent, preparation, plan, knowledge, identity, absence of mistake or accident . . .) other than his or her disposition to commit such an act.” Uncharged crimes, therefore, can be admitted “when such evidence is relevant to establish some fact other than the person’s character or disposition.” (*People v. Ewoldt, supra*, 7 Cal.4th at p. 393.)

The evidence that Alberto L. and Chatman saw Sanchez and Maya armed together at the park was relevant to corroborate Jordan’s identification of Sanchez and Maya as armed companions who shot at Jordan and Wright at the gas station two months earlier. The evidence was also relevant to prove that Sanchez had the means to commit the murder and attempted murder (a gun). The evidence was thus relevant to prove a fact (that Sanchez possessed a gun), as well as to bolster Jordan’s eyewitness identification of Sanchez and Maya as the men who killed Wright and shot at Jordan.

The probative value of the evidence was not substantially outweighed by the probability that it would prejudice Sanchez, especially given that Alberto L. testified that

each of the two or three times he saw the men together, they were armed. Further, Chatman's testimony was not merely cumulative. Alberto L. was a North Side Longo member. Chatman was a civilian and a source independent from the evidence of the charged offense, which increases the probative value of her testimony. (*People v. Ewoldt, supra*, 7 Cal.4th at p. 404.) That testimony was credible evidence that the two men carried weapons visible to people in the neighborhood, and served to support an eyewitness identification by Jordan, someone who did not know the men (and was not a North Side Longo member), after seeing Sanchez and Maya armed and together. While evidence of other, uncharged crimes carries inherent prejudice, the risk of such prejudice in this case was not unusually high, given that the charged crimes (murder and attempted murder) were more inflammatory than Chatman's and Alberto L.'s admitted testimony. (*People v. Carter* (2005) 36 Cal.4th 1114, 1150.) The trial court did not err in admitting the evidence that Alberto L. and Chatman saw Sanchez and Maya armed at the park.

The additional evidence inadvertently elicited during defense cross-examination of Chatman (that Sanchez and Maya drew the guns during a confrontation with the children, who then ran) went beyond the boundaries of the evidence admitted by the court. The defense did not object or attempt to strike the evidence, and the evidence was never mentioned again.

In any case, we conclude that any error was harmless under the test for harmless error in *People v. Watson* (1956) 46 Cal.2d 818, 836. (*People v. Anderson* (1987) 43 Cal.3d 1104, 1137.) The court instructed the jury not to use any of the evidence to prove that Sanchez had a disposition to commit crimes, and we presume that the jury followed the court's limiting instructions. (*People v. Hovarter, supra*, 44 Cal.4th at p. 1005.) The prosecution presented ample other evidence of Sanchez's guilt. The jury heard the victim of attempted murder, Jordan, testify that a man in the shooters' car issued a North Side Longo challenge that same night shortly before the shooting. There was evidence that Sanchez's Chevy Blazer was the car used by the shooters. Jordan also identified Sanchez in photographic lineups and testified that he was one of the men who fired shots at him and at the murder victim, Wright. Evidence unrelated to the June 6, 2009 incident

established that Sanchez and Maya were seen together armed, and both were members of the Machos clique of the North Side Longo gang, which was a rival of the Crips gang (of which Jordan was a former and Wright was a current member). Sanchez's cellular telephone records put him in the area of the crime close to the time of the shooting, and nearby fresh graffiti included Sanchez's gang moniker and derogatory references to the Crips. The case against Sanchez was strong; there is no reasonable likelihood that Sanchez would have received a more favorable result, absent the testimony about the June 6, 2009 incident at Jackson Park.

DISPOSITION

The judgment is affirmed.

NOT TO BE PUBLISHED.

JOHNSON, J.

We concur:

ROTHSCHILD, Acting P. J.

CHANEY, J.